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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,401	02/06/2002	Helen Bucknall	FREEH2.005AUS	4791

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EXAMINER
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NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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10/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/072,401

Applicant(s)

BUCKNALL ET AL.

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8,9 and 11-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,9 and 11-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/15/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

The Request for Continued Examination filed October 3, 2007 has been approved, therefore the Amendment and Information Disclosure Statement filed October 3, 2007 and August 15, 2007, respectively, are hereby considered. According to the Amendment, claims 1, 9, 16-19 and 22 have been amended; and claim 7 have been canceled. Currently, claims 1, 3-6, 8, 9, and 11-25 are pending in the application. Acknowledgment has been made.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, the limitation of "creating a representation of a flashing composite symbol" is a redundancy of claim 7.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3, 6, 8, 9, 12, 13, and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristocrat Leisure Industries (WO 99/64997)(hereafter ALI) in view of Suzuki (6,213,875).**

Referring to claims 1, 6, 9, 12, 13, and 16-22, ALI teaches method (and system thereto) for enhancing a screen display of a gaming machine comprising: creating a background scene for a game screen of a spinning reel game, the background scene being indicative of at least one theme, *e.g., horror theme with castle and monster* (Fig. 3a); creating a video representation of a plurality of spinning reels (Fig. 1, page 4, lines 15-25), each reel comprising a set of composite symbols defining active components of the spinning reel game which are spun up on the reels in a representation of a game play to provide for various combinations of the composite symbols (page 4, lines 15-19), at least one of the combinations being a winning combination, the combinations resulting from each game play being indicated in the game screen by payline indicators and defined by paylines across the reels so that each combination consists of one composite symbol from each reel (page 5, lines 1-28), and at least one of the composite symbols is thematically linked to the background scene (Fig. 3a); and if a said winning combination occurs in a game play of the spinning reel game, following the spinning up of combinations on the reels, indicating in the game screen the composite symbols that formed the winning combination (page 5, lines 1-28); each composite symbol comprises a carrier portion and a game symbol portion, *e.g., symbol image with opaque background and individual symbol* (Fig. 3a). Note that, since the composite symbols of

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ALI are randomly generated and arranged on the reel or matrix, the composite symbols (*including a carrier portion and a game symbol portion*) of each reel are considered to be arranged end-to-end (Figs.3a-4c). ALI further teaches multilayer graphics generation such as animated lines having symbols with transparent portions, e.g., footsteps having transparent portion between the shoe and the heel overlaid generated composite symbols (Figs.4a-4c). **In this case, since the footsteps overlaid the symbols, the symbols themselves are also considered as the background of the footsteps, from a viewer's perspective.** Referring to the amended limitation of "wherein a flashing representation of said at least one composite symbol is created by placing a flashing symbol animation on top of the overlying part of the background scene to provide a flashing composite symbol," ALI further teaches creating a representation of a flashing symbol (page 2, line 25; page 5, lines 26-28); and causing the composite symbol itself to be flashed on and off directly on top of the underlying part of the background scene so that the background scene remains visible and any background animations continue while the composite symbol flashes (Figs. 3a, 3b; page 5, lines 24-36). **ALI does not explicitly teach** the limitations of the composite symbols overlie the overall background scene (claims 1, 9, 12, 13, 16, 17, 18, 19, 22); rendering at least the carrier portions of at least certain of the composite symbols transparent to enable the overall background scene to be viewed through the carrier portions, wherein the composite symbols arranged end-to-end such that the carrier portions of the at least certain composite symbols define in combination a transparent reel strip portion through which the underlying background scene is viewable, and wherein the background scene

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spans the video representation of the spinning reels and does not form part of any said combinations of composite symbols (claims 1, 9, 16, 17, 18, 19, 22); and wherein at least one said winning combination comprises at least one composite symbol having a carrier portion that has been rendered transparent (claims 1, 9, 12, 16, 17, 18, 19-22).

**Suzuki, however, teaches** a display system and method for generating symbol pattern in video games comprising: composite symbols overlaid on the background scene (Figs. 24, 25); rendering at least the carrier portions of at least certain of the composite symbols transparent to enable the background scene to be viewed through the carrier portions (Fig. 25), wherein the composite symbols are arranged end-to-end such that the carrier portions of the at least certain composite symbols define in combination a transparent reel strip portion through which the underlying background scene is viewable, and wherein the background scene spans the video representation of the spinning reels and does not form part of any said combinations of composite symbols (Figs. 24, 25); and wherein at least one said winning combination comprises at least one composite symbol having a carrier portion that has been rendered transparent, e.g., *random number 5 of Fig. 25*. **Note that**, applying either ALI's teaching of symbols with transparent portions (e.g., footsteps) or applying Suzuki's teaching of rendering at least the carrier portions of at least certain of the composite symbols transparent to enable the background scene to be viewed through the carrier portions (Fig. 25) to the composite symbols of ALI would yield predictable result of composite symbols having transparent portions overlaying a background. **Further, note that**, the limitation of rendering transparent the carrier portion of each composite symbol is notoriously well known in the graphic design

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industry, e.g., *setting the alpha channel of a graphic to certain desired ranges to control the transparency level of certain designed graphic*. The applicants are referred to the cited references of “*Communication to Australian Commission of Patents of 09/15/2004 re Application 200210214*” (submitted by the applicants on January 26, 2007) and Buxton et al. (US 6,118,427) for such well known limitations. **It would have been obvious** to a person of ordinary skill in the art at the time the invention was made to provide Suzuki’s teaching of generating random composite symbols overlaid background to the gaming system of ALI to come up with a gaming machine having attractive graphical effects thus attract more players to the game and increase casino profit.

Referring to claim 3, the limitation of rendering said carrier portions of said at least certain composite symbols transparent by software implementation is inherent from Suzuki’s teaching of transparent composite symbol (numeral 5)(Fig. 24).

Referring to claims 8 and 25, the limitations of placing a part of the background scene over the composite symbol and placing a flashing composite symbol animation on top of the part of the background scene to provide a flashing composite symbol (claim 8); and the indicator comprises an animation of the composite symbols that defined the winning combination (claim 25), this is inherent from ALI’s teaching of animation affects of “spark” or “glow” of lightning bolt (page 5, lines 18-36). Further, it is notoriously well known in digital graphics design to use animated GIF to animate objects. The applicants are referred to the cited references of Dayan et al. (US

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2007/0226621 A1), Gablers et al. (US 6,211,881 B1), and Boucher et al. (US 6,675,387 B1) for such well known limitations.

Referring to claim 23, *wherein said transparent carriers of adjacent composite symbols cooperate to define a transparent reel overlying said background scene and wherein the background scene is viewable through said transparent reel*, this limitation would result from the combination of ALI and Suzuki, in which ALI teaches composite symbols randomly generated and arranged on the reel or matrix and Suzuki teaches transparent composite symbols.

Referring to claim 24, ALI teaches highlighting the game symbol portion of any composite symbol on a pay line for a winning combination (using animated lines)(page 2, lines 16-19).

**Claims 4, 5, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristocrat Leisure Industries (WO 99/64997)(hereafter ALI) and Suzuki (6,213,875) as applied to claims 1, 6-9, 12, 13, and 16-25 above, and further in view of Buxton et al. (6,118,427).**

ALI and Suzuki teach all limitations of claims 1, 6, 8, 9, 12, 13, and 16-25 above. **ALI and Suzuki does not explicitly teach the limitations of:** setting said carrier portions of said at least certain composite symbols to an appropriate alpha channel value in an alpha channel range (claim 4); employing an objects based graphic system for development of the composite symbol with symbol portions of the composite symbol being rendered opaque (claim 5); said carrier portion of each composite symbol is



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rendered transparent by an appropriate selection of alpha channel value in an alpha channel range (claim 11); providing an alpha channel setting which results in completely transparent carrier portions (claims 14 and 15). Buxton et al., however, teaches a graphical user interface to generate graphics for the gaming system rendering the portion of each composite symbol transparent by a software implementation (see the abstract and 3:36-4:56); producing transparency levels, alpha blending (11:1-12:67; 16:63-17:33); employing an objects based graphics system for development of the composite symbol (non-surface components 1404) with portions of the composite symbol (non-surface components 1404) being rendered opaque (14:1-14). Buxton et al, further teaches rendering at least a portion of each non-surface components 1404 transparent to enable the background scene to be viewed through the composite symbol (Figures 1, 2, and 14). **It would have been obvious** to a person of ordinary skill in the art at the time of the invention was made to provide Buxton et al.'s teaching of manipulating graphical transparency to generate graphics to the gaming system and method of ALI and Suzuki to come up with a gaming machine having attractive graphical affects thus attract more players and increase profit.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-6, 8, 9, and 11-25 have been considered but are moot in view of amendments necessitated the new ground(s) of rejection.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Dayan et al. (US 2007/0226621 A1) discloses animated GIF with transparency.

Gablers et al. (US 6,211,881 B1) discloses image format conversion with transparency color adjustment.

Boucher et al. (US 6,675,387 B1) discloses system and methods for preparing multimedia data using digital video data compression.

*"Communication to Australian Commission of Patents of 09/15/2004 re Application 200210214"* (submitted by the applicants on January 26, 2007). The enclosed documents in this submission disclosed well known prior art of transparent symbols as well as the adjustment of alpha channel for transparency level of video graphics.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN



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Art Unit 3714